THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18388 of 1997

Dated: 22.01.2007

Between:

Saikam Konda Reddy S/o Venkat Reddy
R/o Pathareddypalem village,
Bayyaram gram panchayat, Pinapaka Mandal
Khamma District.

..... PETITIONER

AND

The Special Deputy Collector (TW), Palvancha,
Khammam District and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18388 of 1997

ORDER:

Petitioner claims to be the absolute owner of the land admeasuring Acs.6.20 guntas in Sy.No.476 situated at Singireddypally village of Pinapaka Mandal, Khammam District, by virtue of a sale deed executed by the original pattadar in his favour in the year 1968. He alleges that he purchased the said land from non-tribal prior to Andhra Pradesh Scheduled Area Land Transfer Regulation Act, 1959, amended in 1970 (for short "the Act") came into force. While so, in the proceedings initiated against the petitioner on the ground that the transfer in his favour is in contravention of the Act, the first respondent, without giving notice to the petitioner, passed ejectment order and decree dated 27.12.1996 ordering eviction of the petitioner from the said

land. Aggrieved thereby, the petitioner preferred an appeal before the second respondent along with an application seeking stay of the said ejectment order. His grievance is that the second respondent has neither passed any order in his stay petition nor disposed of the appeal, but, on the other hand, the respondent-authorities are trying to dispossess him from the said land. Hence, he seeks to declare the ejectment order dated 27.12.1996 passed by the first respondent and the inaction of the second respondent in disposing of his appeal and the stay petition as arbitrary and illegal.

A detailed counter-affidavit is filed on behalf of respondents 1 to 3. It is stated in the counter that the Mandal Revenue Officer, Palvancha registered case No.694/96/PNK against the petitioner and passed the impugned ejectment order on the ground that transfer in his favoaur is in contravention of the Act. Aggrieved thereby, the petitioner preferred CMA No.33 of 1997 before the second respondent and the fourth respondent, who has initiated earlier proceedings against the petitioner in Case No.1069/88/PNK before the first respondent, also preferred CMA No.25 of 1997 before the second respondent. It is further stated in the counter that the petitioner is not evicted from the said land, and therefore, the writ petition is liable to be dismissed.

Heard both the counsel.

While issuing rule nisi, this Court ordered interim suspension of the impugned order dated 27.12.1996, vide order dated 06.08.1997 passed in W.P.M.P.No.22306 of 1997. Therefore, the petitioner has not been evicted from the said land. Hence, this Court is of the view that the writ petition can be disposed of directing the second respondent to dispose of the appeals preferred by the petitioner as well as the fourth respondent.

Accordingly, the writ petition is disposed of directing the second respondent to dispose of the appeals preferred by the petitioner and the second respondent, as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order. Pending disposal of the said appeals, it is made clear that the petitioner shall not be dispossessed from the said land. There shall be no order as to costs.

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22.01.2007

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